

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BOARD OF COUNTY)	
COMMISSIONERS OF THE COUNTY)	
OF KAY, OKLAHOMA)	
)	CASE NO. CIV-12-601-C
Plaintiff,)	
vs.)	
)	
FREEPORT-MCMORAN COPPER &)	
GOLD, INC.; FREEPORT-MCMORAN)	
CORPORATION f/k/a PHELPS)	
DODGE CORPORATION;)	
CYPRUS AMAX MINERALS)	
COMPANY; and BLACKWELL)	
ZINC COMPANY, INC.)	
)	
Defendant.)	

AGREED ORDER OF DISMISSAL

This matter having been brought before the Court by Plaintiff Board of County Commissioners of the County of Kay, Oklahoma (“Plaintiff” or the “County”); and Defendants Freeport-McMoRan Copper & Gold, Inc., Freeport-McMoRan Corporation (f/k/a Phelps Dodge Corporation), Cyprus Amax Minerals Company, and Blackwell Zinc Company, Inc. (“BZC”) (collectively, “Defendants”), collectively referred to herein as “the Parties,” by way of a Joint Stipulation of Dismissal (Docket 219) and pursuant to Federal Rule of Civil Procedure 41, all Parties having consented to the following,

IT IS HEREBY ORDERED THAT:

1. With the exception of the claims listed in Paragraph 2 below, all claims by Plaintiff against Defendants in the above-captioned matter are **DISMISSED WITH PREJUDICE**.

2. The following Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**: any and all claims for cost recovery and/or contribution under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. ("CERCLA"), arising from any state or federal regulatory action arising after November 25, 2013, that were not incurred as a result of remedial action or work included in or required by (a) Consent Agreement and Final Order, Case No. 13-244, (b) the Consent Agreement and Final Order, Case No. 12-211, or (c) any conditions placed on any No Further Action letter issued by the Oklahoma Department of Environmental Quality to the County pursuant to the Consent Agreement and Final Order, Case No. 13-244.

3. The following claims by BZC against Plaintiff in the above-captioned matter are **DISMISSED WITH PREJUDICE**: any and all claims under CERCLA, for costs incurred prior to October 4, 2013, for costs incurred or to be incurred as part of BZC's obligations under the Consent Agreement and Final Order, Case No. 12-211, and for costs incurred as part of the remedial action or work included in or required by paragraphs 14, 15, and 16 of the Consent Agreement and Final Order, Case No. 13-244.

4. With the exception of the claims listed above in Paragraph 3, any other claims by BZC for CERCLA cost recovery and/or contribution arising after November 25, 2013, are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED this 26th day of November, 2013.



ROBIN J. CAUTHRON
United States District Judge